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Russia: Information on military conscription and exemption from service, including alternative military service for conscientious objectors

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Military Conscription

Federal Law No. 53-FZ of 1998 on Military Duty and Military Service states that male citizens between the ages of 18 and 27 are subject to military service (Russia 1998, Art. 22). According to the legislation, [translation] "a decision to call up citizens for military service can be made only after they reach the age of 18 years" (ibid.). Since 2008, the length of military conscription service has been set at one year (Interfax 15 July 2011; Reuters 8 June 2010). Interfax, an international English-language news agency providing information on Russia, China and the "emerging markets of Eurasia" (n.d.), reports that on 29 April 2010, the Deputy Head of the General Staff urged Russian senators to extend the conscription age from 27 to 30 years, leaving the minimum conscription age at 18 years (Interfax 4 May 2010). According to a poll conducted by Russian pollster SuperJob.ru the day after the General Staff proposal, seventy-seven percent of Russians opposed the extension (ibid.). Further information on the proposal to extend the conscription age could not be found among the sources consulted by the Research Directorate.

If a citizen receives a call-up notice and fails to report to a military commissariat or another authority responsible for military registration, [translation] "he shall be called to responsibility according to the legislation of the Russian Federation" (Russia 1998, Art. 7). According to the Ministry of Defence, the recruit "becomes criminally liable if by being absent he is trying to avoid the imposition of duty to undergo the draft service" (Russia n.d.c). Moreover, under Part 1, Art. 328, of the Criminal Code of the Russian Federation, "fraudulent discharge from military duty obtained through simulation of illness, self-maiming, forgery or other fraudulent activities shall qualify as evasion of the draft" (ibid.). However, Reuters reports that men are paying doctors "to make up imaginary illnesses" in order to avoid conscription (24 Jan. 2011). While the average bribe is around \$5,000, "Moscovites often pay up to four times more" (Reuters 24 Jan. 2011). Radio Free Europe/Radio Liberty (RFE/RL) reports that "a group of doctors and other employees at a Russian Military Commission in the western city of Penza were arrested" for taking bribes from 23 recruits (RFE/RL 8 May 2010).

According to Article 7 of the Federal Law No. 53-FZ on Military Duty and

Military Service, legitimate, well-documented justifications for failing to report are as follows (Russia 1998, Art. 7):

[Translation]

- An illness or injury sustained by the citizen causing his disability;
- A serious health condition of the citizen's father, mother, wife, husband, son, daughter, brother, sister, grandfather, grandmother or adoptive parent, or the need to attend the burial of any of the persons above;
- An impediment that occurs due to a *force majeure* [greater force], or to some other circumstance, independent of the will of the citizen;
- Other causes that will be found legitimate by the conscription commission, by the primary military registration commission or by court. (ibid.)

Reuters reports that the state is not meeting conscription quotas because of "widespread abuse of younger conscripts - known as 'dedovshchina' - and unenviable conditions in the military" (8 June 2010). Several sources report the physical and psychological abuse of and suicide by soldiers in the army (AFP 13 Oct. 2011; Reuters 24 Jan. 2011; ibid. 8 June 2010; Soldiers' Mothers of St. Petersburg 12 Mar. 2011; see also RFE/RL 4 Oct. 2011). According to a Moscow-based rights group, around "3,000 conscripts die each year across the country during peacetime" (Reuters 24 Jan. 2011). Another Reuters article states that there "were some 2,500 suicides among soldiers in 2005-2008," and that "many soldiers [were] driven to kill themselves because of abuse" (ibid. 8 June 2010).

According to the Deputy Head of the General Staff, more than 200,000 recruits were "'refusing to accept draft notices and switch[ed] to other places of residence without getting off the draft register'" (qtd. in Interfax 31 Mar. 2011). In the autumn of 2010, more than 13,000 individuals did not report to the enlistment offices after receiving draft notices (ibid.). The Moscow-based *Kommersant* newspaper reports that 22 human rights organizations sent a letter to President Dmitry Medvedev asking to stop military conscription and [translation] "citing concerns about abuse and suicides in the army" (14 Oct. 2011).

Exemptions from service

Article 23 of the Federal Law on Military Duty and Military Service indicates that the following citizens are not subject to conscripted military service:

[Translation]

- a. [those who] were found not fit or fit with limitations for military service for health reasons;
- b. [those] who are performing or have completed the military service in the Russian Federation;
- c. [those] who are performing or have completed an alternative civilian service;
- d. [those] who have completed military service in another country.

Entitled to an exemption from call-up for military service are citizens who:

- a. have a scientific degree ranked in the State qualification system
- b. are sons / brothers to
 - military service personnel who had served under conscription and died in the exercise of the military service duties, and to citizens who, while being called-up from reserve for re-training, died in the exercise of military duties during the reserve re-training;
 - citizens who died as a result of an injury (wound, trauma, shellshock) or a disease received or contracted in the exercise of military service duties while performing military service under conscription, after discharge from military service or after being discharged from military reserve re-training or after release upon completing military reserve re-training.

The following categories of citizens are not subject to military service:

- a. those in the situation of serving a punishment time in the form of compulsory labour, correctional labour, restriction of freedom, detention or imprisonment;
- b. those having a criminal conviction record that has not been deleted through pardon, or that has not been cancelled due to time limitations;
- c. those under an inquiry or under a pre-trial investigation, or whose criminal file has been forwarded to court for trial. (Russia 1998, Art. 23)

The Ministry of Defence of the Russian Federation corroborates the above information, while noting that the "draft exemption also applies to individuals with an academic degree" (Russia n.d.d). Moreover, the website of the Ministry of Defence lists "some categories of citizens [that] may use the right of deferment" (ibid.).

Alternative Military Service

Federal Law No. 113-FZ of 2002 on Alternative Civilian Service allows citizens to [translation] "exercise their constitutional right to replace conscripted military service with an alternative civilian service" (Russia 2002). According to this legislation, [translation]

[a] citizen has the right to have conscripted military service replaced with civilian service in cases, if:

- performing military service goes against his convictions or religious faith;
- he is a part of an aboriginal numerically scanty people, has a traditional lifestyle and is involved in traditional economic activities and sustenance related crafts and occupations. (ibid., Art. 2)

Citizens who can be referred to alternative civilian service are males who are between 18 and 27 years of age [translation]

who are not listed in reserve, who have the right to have the conscripted military service replaced with alternative civilian service, and who submit an application to the military commissariat expressing the desire to have the military service replaced with an alternative civilian service. (ibid., Art. 3)

According to the website of the Ministry of Defence, only citizens who are fit for military service "can be assigned to alternative civil service" (Russia n.d.a). Citizens who are not referred to alternative civilian service are individuals who have [translation] "grounds for exemption from military conscription" or grounds "for a postponement of the call-up for military service," or who are not "subject to military service" (Russia 2002, Art. 3).

The duration of alternative service is reportedly "one-and-three-quarter (1.75) times the length of obligatory military service" (CPTI Mar. 2009). However, if the alternative service is performed with a military organization, such as the Armed Forces of the Russian Federation (Russia 2001, Art. 5), the term is 1.5 times that of the conscripted service (ibid.; CPTI Mar. 2009). As of 2008, "obligatory military service lasts for 12 months, alternative civilian service for 21 months, or 18 months if performed in a military establishment" (ibid.).

As a rule, alternative civil service is performed in state-owned organizations and companies outside of the citizen's area of permanent residence (Russia n.d.a). However, depending on the demand of regional organizations for human resources and the number of individuals opting for alternative service, the Court of Federal Labour and Employment can allow a citizen to perform his civil service in the area of his permanent residence (ibid.). According to the Federal Law on Alternative Civilian Service, citizens who belong to an aboriginal community that is numerically small are [translation] "sent for alternative service to organizations operating in areas of traditional economy, crafts and occupations" (Russia 2002).

Individuals who have the right to alternative civil service should apply to their enlistment office before 1 April if they are to be drafted in October to December of that year, and before 1 October if they are to be drafted in April to June of the next year (Russia n.d.b). If a citizen fails to apply before the deadline, he may be refused the possibility of substituting his military service with the alternative one (ibid.).

When applying, the citizen "should provide justification that military service contradicts his belief or confession" (ibid.). His application should be written in "free form," and should state the reasons and circumstances that made him choose alternative service (ibid.). According to the Ministry of Defence, the general procedure of assignment to alternative service is as follows:

- [C]itizens apply to the Military Enlistment Office for the substitution of Draft with alternative civil service. The decision is taken at a meeting of the Draft Board;
- [C]itizens may do only the type of work which is contained in the List of works, professions and positions provided for the citizens doing alternative civil service and only in the organization which is available for alternative civil service (the lists are approved by the Russian Ministry of Health);
- [C]itizens are assigned to the place of their alternative civil service by the Chief Enlistment Officer according to the decision of the Draft Board and the assignment plan issued by the authorized federal executive body (the plan is approved by the Federal Labour and Employment Service);
- [T]he labour activity of the citizens doing alternative civil service is governed by the Labour Code of the Russian Federation. (Russia n.d.a)

According to the Moscow-based RT news site, civil alternative service is not popular in Russia because "it is hard to secure the right to opt out of military

service" and "the decision is often met with mockery from peers" (4 May 2010). *Rossiyskaya Gazeta* reports that in the spring of 2011, 200 new recruits were sent for alternative civil service, bringing the total number of citizens in the alternative civil service to 2,600 (14 July 2011). However, non-governmental organizations (NGOs) puts the number at about 800 (UCSMR 20 Oct. 2011) to less than 1,000 people completing their alternative service across Russia (Soldiers' Mothers of St. Petersburg 20 Oct. 2011).

According to the NGOs, the law and practices regarding conscientious objection to military service are "discriminatory" (ibid.; UCSMR 20 Oct. 2011). In an example provided during a telephone interview with the Research Directorate, a representative from the Union of the Committees of Soldiers' Mothers of Russia (UCSMR) indicated that candidates are not provided adequate information about alternative service (ibid.). The representative explained that military training is compulsory in the last year of high school and that there are no exemptions for conscientious objectors (ibid.). In many cases potential applicants are still minors at the time when the application should be submitted (ibid.). Furthermore, the application for alternative service must be defended before a commission before it can be approved (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organizations were unsuccessful: Federal Migration Service, Civic Assistance Committee, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Defence of the Russian Federation, Moscow Helsinki Group, Moscow Memorial Human Rights Center, and law firms.

Internet sites, including: Amnesty International; Civic Assistance Committee; European Country of Origin Information Network; Human Rights Watch; Institute for War and Peace Reporting; International Crisis Group; Moscow Helsinki Group; Moscow Memorial Human Rights Center; Russia — Embassy of the Russian Federation in Canada, Ministry of Foreign Affairs, Ministry of the Interior, Russian Embassy in Belgium; Soldiers' Mothers of St. Petersburg; Union of the Committee of Soldiers Mothers of Russia; United Nations (UN) — Refworld, Office of the High Commissioner for Human Rights, Women, Development Programme; United States Department of State.

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